

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.,

Plaintiff,

V.

C.A. No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES, INC.,
LAURENCE S. GILLICK, ROBERT S.
ROTH, JONATHAN P. YAMRON, and
MANFRED G. GRABHERR,

Defendants.

**VOICE SIGNAL TECHNOLOGIES, INC.'S
MOTION TO FOR SANCTIONS FOR
FAILURE TO COMPLY WITH COURT'S DISCOVERY ORDER**

Defendant and counterclaim plaintiff Voice Signal Technologies, Inc. (“VST”) moves pursuant to Fed. R. Civ. P. 37(b)(2)(C)) and Local Rule 37.1 for this Court to impose sanctions upon plaintiff and counterclaim defendant ScanSoft, Inc (“ScanSoft”).

This Court entered an Order on January 14, 2005 ordering ScanSoft to produce its source code to VST. Three months after this Court's Order, ScanSoft has blatantly disregarded this Court's Order and refused to produce its source code. Pursuant to Fed. R. Civ. P. 37(b)(2)(C), this court should enter the sanction of default against ScanSoft on VST's counterclaim of patent infringement.

The grounds for this motion are further set forth in the accompanying memorandum and the exhibits attached thereto.

WHEREFORE, Voice Signal requests that the Court enter an order granting this motion and issuing a judgment of infringement against ScanSoft on VST's counterclaim of patent infringement.

Respectfully submitted,

Dated: April 1, 2005

VOICE SIGNAL TECHNOLOGIES, INC.

By its attorneys,

/s/ Wendy S. Plotkin

Robert S. Frank, Jr. (BBO No. 177240)
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CERTIFICATE PURSUANT TO LOCAL RULES 7.1 and 37.1

I certify that counsel for Voice Signal conferred with counsel for ScanSoft on April 1, 2005 in an effort to resolve the issues presented in this motion and that the parties were unable to reach an agreement. I also certify that the provisions of Local Rule 37.1 have been complied with.

/s/ Wendy S. Plotkin

Wendy S. Plotkin